

## United States Postal Service

## § 965.4

officers and employees of the Postal Service as may be required to place the order into effect.

[52 FR 36763, Oct. 1, 1987, as amended at 53 FR 4849, Feb. 18, 1988]

### **§ 964.20 Modification or revocation of orders.**

A party against whom an order or orders have been issued may file an application for modification or revocation thereof. The Recorder shall transmit a copy of the application to the General Counsel, who shall file a written reply within 10 days after receipt or such other period as the Judicial Officer may fix. A copy of the reply shall be sent to the applicant by the Recorder. Thereafter an order granting or denying such application will be issued by the Judicial Officer.

### **§ 964.21 Official record.**

The transcript of testimony together with all pleadings, orders, exhibits, briefs, and other documents filed in the proceeding constitute the official record of the proceeding.

### **§ 964.22 Public information.**

The Law Librarian of the Postal Service maintains for public inspection in the Law Library copies of all initial, tentative, and final agency decisions and orders. The Recorder maintains the complete official record of every proceeding.

### **§ 964.23 Ex parte communications.**

The provisions of 5 U.S.C. 551(14), 556(d), and 557(d) prohibiting ex parte communications are made applicable to proceedings under these rules of practice.

## **PART 965—RULES OF PRACTICE IN PROCEEDINGS RELATIVE TO MAIL DISPUTES**

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AUTHORITY: 39 U.S.C. 204, 401.

SOURCE: 52 FR 29012, Aug. 5, 1987, unless otherwise noted.

### **§ 965.1 Authority for rules.**

These rules of practice are issued by the Judicial Officer of the U.S. Postal Service pursuant to authority delegated by the Postmaster General. (39 CFR 224.1(c)(4)).

### **§ 965.2 Scope of rules.**

The rules in this part shall be applicable to mail dispute cases forwarded to the Judicial Officer Department by Regional Counsel pursuant to Domestic Mail Manual 153.72.

### **§ 965.3 Notice to parties.**

Upon receipt of a mail dispute case from Regional Counsel, the Recorder, Judicial Officer Department, United States Postal Service, 475 L'Enfant Plaza West, SW., Washington, DC 20260-6100, will send a notice of docketing and submittal due date to the parties together with a copy of these rules.

### **§ 965.4 Presiding officers.**

(a) The presiding officer shall be an Administrative Law Judge or an Administrative Judge qualified in accordance with law. The Judicial Officer assigns cases under this part. Judicial Officer includes Associate Judicial Officer upon delegation thereto. The Judicial Officer may, on his own initiative or for good cause found, preside at the reception of evidence.

(b) The presiding officer has authority to:

(1) Take such action as may be necessary to preside properly over the proceeding and render decision therein;

(2) Render an initial decision, if the presiding officer is not the Judicial Officer, which becomes the final agency decision unless a timely appeal is taken; the Judicial Officer may issue a tentative or a final decision.